



**General Assembly
Security Council**

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**General Assembly
Sixty-fourth session**

Agenda items 13, 14 and 18

Prevention of armed conflict

**Protracted conflicts in the GUAM area
and their implications for international peace,
security and development**

The situation in the occupied territories of Azerbaijan

**Security Council
Sixty-fifth year**

**Letter dated 13 August 2010 from the Permanent Representative
of Armenia to the United Nations addressed to the
Secretary-General**

I am writing with regard to the latest flagrant violations of the ceasefire regime on the line of contact between the defence army of the Nagorno Karabakh Republic and the Azerbaijani armed forces.

As is evident from the information set forth in the list of ceasefire violations attached to the present letter (see annex), there is a continuous effort from the Azerbaijani side to destabilize the situation in the region. The pre-planned provocations on the line of contact this summer were examples of Azerbaijan's insistence on seeking forceful ways to deal with the Nagorno Karabakh issue.

On the night of 18-19 June 2010, a special military unit of the Azerbaijani army crossed the line of contact and penetrated into the Mardakert district of the Nagorno Karabakh Republic. This deliberate provocation by the Azeri side took place hours after the high-level trilateral meeting among the Presidents of Armenia, the Russian Federation and Azerbaijan, held on 17 June 2010 in Saint Petersburg, Russian Federation, and left four soldiers of the defence army of the Nagorno Karabakh Republic dead and four wounded.

This attack by the Azerbaijani armed forces is in complete violation of the principles and norms of international law, including the main principles of the United Nations Charter. This provocative act "can only be seen as an attempt to damage the peace process", as was noted in the 21 June statement of the Co-Chairs of the Organization for Security and Cooperation in Europe Minsk Group — France, the Russian Federation and the United States of America.



Such behaviour by Azerbaijan is a serious threat to the peace and stability in the region. It is a violation of the 1994 ceasefire agreement between Azerbaijan, Nagorno Karabakh and Armenia and is contrary to the stated commitment to refrain from the use of force or the threat of the use of force.

Armenia strongly condemns the use of force by Azerbaijan. Belligerent provocations in this fragile security environment may have unforeseen consequences, and, therefore, the international community should resolutely condemn the continued provocations and escalation of tension by Azerbaijan.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 13, 14 and 18, and of the Security Council.

(Signed) Garen **Nazarian**
Ambassador
Permanent Representative

Annex to the letter dated 13 August 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan from 1 July to 2 August 2010

N	(Direction)	Date, time	Firing	
			From Azerbaijani side	
			Type of weapon	Ammunition
1	Laligyugh	04.07.10 01.00	Firearm	14
2	Berqaber	04.07.10 22.30	RPK	10
3	Barekamavan	04.07.10 23.20	Firearm	3
4	Voskepar	05.07.10 24.00	Firearm	2
5	Bardzrumi	05.07.10 22.30	SVD	9
6	Verin Karmirakhyur	06.07.10 10.30	Firearm	5
7	Movses	06.07.10 11.50	Firearm	1
8	Vazashen	06.07.10 22.55	SVD	2
9	Koti	08.07.10 12.15	SVD	6
10	Barekamavan	08.07.10 23.45	Firearm	1
11	Berqavan	09.07.10 00.40	Firearm	1
12	Dovegh	09.07.10 03.00	Firearm	3
13	Aygepar	08.07.10 23.25	Firearm	3
14	Dovegh	09.07.10 17.10	Firearm	2
15	Voskepar	09.07.10 21.50	SVD	3
16	Chinari	09.07.10 22.00	SVD	1
17	Paravaqar	10.07.10 20.20	Firearm	100
18	Paravaqar	10.07.10 22.05	Firearm	1
19	Paravaqar	10.07.10 22.25	Firearm	4
20	Paravaqar	10.07.10 23.10	Firearm	4
21	Aygepar	11.07.10 03.45	Firearm	5
22	Aygepar	11.07.10 03.45	Firearm	2
23	Dovegh	11.07.10 02.40	Firearm	10
24	Shavarshavan	11.07.10 22.05	Firearm	9
25	Dovegh	12.07.10 00.45-01.30	PK	100
26	Shavarshavan	12.07.10 01.15	Firearm	9
27	Movses	11.07.10 21.55	Firearm	2

28	Paravaqar	12.07.10 00.45	Firearm	20
29	Shavarshavan	12.07.10 02.30	Firearm SVD	3 1
30	Shavarshavan	12.07.10 02.35	Firearm	3
31	Shavarshavan	12.07.10 02.40	SVD	5
32	Shavarshavan	12.07.10 03.00	Firearm	3
33	Akhdak	13.07.10 11.35-19.00	Firearm PK SVD	65 120 12
34	Shxta	13.07.10 18.30	Firearm PK SVD	70 110 21
35	Akhdak	13.07.10 23.00	PK	5
36	Nerqin Kamirakhbyur	13.07.10 22.15	Firearm	5
37	Nerqin Kamirakhbyur	14.07.10 00.20	Firearm	3
38	Bardzruni	13.07.10 21.45	Firearm	15
39	Bardzruni	13.07.10 22.05	Firearm	3
40	Barekamavan	14.07.10 20.00	Firearm	1
41	Aygepar	14.07.10 16.50	Firearm	3
42	Movses	14.07.10 22.05	Firearm PK SVD	10 7 8
43	Aygepar	14.07.10 23.05	Firearm	4
44	Bardzruni	14.07.10 11.35	Firearm	2
45	Bardzruni	14.07.10 23.05	Firearm SVD	30 1
46	Chinari	15.07.10 14.30	machine gun 12.7mm	2
47	Dovegh	15.07.10 20.00	Firearm	9
48	Berqaber	15.07.10 23.00	Firearm	2
49	Bardzruni	15.07.10 10.20	Firearm	3
50	Nerqin Kamirakhbyur	16.07.10 19.20	RPK	6
51	Navur	16.07.10 20.40	Firearm	11
52	Bardzruni	16.07.10 21.25	SVD	6
53	Bardzruni	16.07.10 22.30	SVD PK	9 11
54	Bardzruni	16.07.10 23.15	SVD	8
55	Bardzruni	16.07.10 23.35	SVD	7
56	Dovegh	17.07.10 21.15	Firearm	4
57	Bardzruni	17.07.10 12.35	SVD PK	1 6

58	Khachik	17.07.10 21.20	Firearm	1
59	Bardzruni	19.07.10 22.35	SVD	5
60	Areni	19.07.10 23.30	Firearm	10
61	Bardzruni	20.07.10 00.30	SVD Firearm	1 5
62	Bardzruni	20.07.10 18.05	SVD	4
63	Bardzruni	20.07.10 21.00	SVD	6
64	Bardzruni	21.07.10 01.05	PK Firearm	1 5
65	Berqaber	21.07.10 20.05	Firearm	7
66	Nerqin Karmirakhbyur	21.07.10 21.35	Firearm	4
67	Bardzruni	21.07.10 00.15	Firearm SVD	20 8
68	Bardzruni	21.07.10 00.55	SV - 12.7mm	1
69	Berqaber	22.07.10 21.40	Firearm	10
70	Bardzruni	22.07.10 23.10	Firearm SV - 12.7mm	4 3
71	Dovegh	23.07.10 18.15	SVD	8
72	Chinari	23.07.10 23.30	SVD	10
73	Khachik	23.07.10 12.50	Firearm	4
74	Chinari	24.07.10 19.00	Firearm machine gun 12.7mm SV - 12.7mm	45 30 35
75	Aygepar	24.07.10 19.15	Firearm	2
76	Artanish	25.07.10 22.50	Firearm	150
77	Aygepar	26.07.10 11.40	Firearm	3
78	Aygepar	26.07.10 18.00-18.30	Firearm	40
79	Aygepar	26.07.10 18.00-18.30	Firearm	60
80	Kirats	26.07.10 23.40	RPK	3
81	Kirats	26.07.10 23.40	RPK	3
82	Vazashen	27.07.10 04.30	Firearm	20
83	Kongur	28.07.10 16.00-21.15	Firearm	20
84	Aygepar	28.07.10 21.30	Firearm	2
85	Sevqar	29.07.10 00.30	Firearm	15
86	Voskepar	29.07.10 00.45	Firearm PK	10 20
87	Vazashen	29.07.10 00.45	Firearm PK	10 60
88	Vazashen	29.07.10 00.45	Firearm machine gun 12.7mm	10 10

89	Voskepar	29.07.10 19.00	Firearm	3
90	Shavarshavan	29.07.10 22.50	Firearm	8
91	Shavarshavan	30.07.10 00.05	Firearm	1
92	Shavarshavan	30.07.10 00.20	Firearm	2
93	Koti	30.07.10 22.40	Firearm	3
94	Koti	31.07.10 00.05	Firearm	13
95	Aygepar	30.07.10 23.20	Firearm	3
96	Qyaquldagh	31.07.10 01.35	Firearm	3
97	Bardzruni	30.07.10 23.40	Firearm	10
98	Sadarak	30.07.10 23.45	Firearm	15
99	Barekamavan	31.07.10 15.40	Firearm	20
100	Shavarshavan	31.07.10 22.35	Firearm	1
101	Shavarshavan	31.07.10 23.15	Firearm	3
102	Aygepar	31.07.10 23.00	Firearm	4
103	Aygepar	31.07.10 23.00	PK Firearm machine gun 12.7mm	1 3 3
104	Aygepar	31.07.10 23.30	Firearm	3
105	Aygepar	31.07.10 23.30	Firearm	6
106	Aygepar	31.07.10 23.30	Firearm PK	4 4
107	Laligyugh	01.08.10 01.00	Firearm	6
108	Kaputan	01.08.10 14.00-14.30	machine gun 12.7mm	100
109	Shavarshavan	01.08.10 21.45	PK	7
110	Barekamavan	01.08.10 22.45	PK	3
111	Movses	01.08.10 21.30	Firearm	3
112	Movses	02.08.10 01.05	Firearm	3
113	Aygepar	02.08.10 02.30	Firearm	5
114	Berqaber	01.08.10 21.40	Firearm	16
115	Berqaber	01.08.10 22.00	PK Firearm SVD	80 70 10
116	Berqaber	01.08.10 23.15	Firearm	3
117	Berqaber	01.08.10 23.15	PK	5
118	Bardzruni	01.08.10 11.15	SV - 12.7mm	10

The violations of the ceasefire by the armed forces of the Republic of Azerbaijan on the borderline of Armenia from 1 July to 2 August 2010:

Number of violations — 118

Shots — about 2026 (PK ~ 540, RPK 5.45 mm ~ 22, SVD-152, machine gun 12.7mm ~ 145, sniper weapon 12.7mm — 49, AK ~ 1118).

The violations of the ceasefire by the armed forces of the Republic of Azerbaijan on the line of contact of Nagorno Karabakh from 1 July to 2 August 2010:

Number of violations — 566

Shots — about 4567 (PK ~ 223, RPK 5.45 mm ~ 9, SVD — 271, machine gun 12.7mm ~ 55, sniper weapon 12.7mm — 37, AK ~ 3927, NSVT 12.7 mm — 45).

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**General Assembly
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Agenda item 110 (c)**Security Council
Sixty-fifth year****Elections to fill vacancies in principal organs: election
of a member of the International Court of Justice****Election of a member of the International Court of Justice****Memorandum by the Secretary-General****I. Introduction**

1. By a letter dated 29 April 2010, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter of 3 May 2010 from the President of the International Court of Justice, Judge Thomas Buergenthal (United States of America) informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 6 September 2010. A vacancy in the Court therefore will occur on 6 September 2010.

2. Judge Buergenthal was elected as a member of the Court on 2 March 2000 and was re-elected from 6 February 2006. His current term of office would have expired on 5 February 2015. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election, and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5 of the Statute. According to Article 5, paragraph 1, of the Statute, the invitations for nomination have to be made at least three months before the date of the election, which is, pursuant to Article 14, to be fixed by the Security Council.

3. By a note dated 27 May 2010 addressed to the Security Council (S/2010/255), the Secretary-General referred to Judge Buergenthal's letter of resignation and drew the attention of the Security Council to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the resulting vacancy in the Court. Pursuant to Article 14 of the Statute of the Court, the Security Council decided, by its resolution 1926 (2010), that the election to fill the vacancy should take place on 9 September 2010 at a meeting of the Council and at a meeting of the General Assembly at its sixty-fourth session.



4. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 3 June 2010, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations be received no later than 12 August 2010. The nomination received by that date and the curriculum vitae of the candidate are transmitted in separate documents (A/64/900-S/2010/443 and A/64/901-S/2010/444, respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.

5. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Buergenthal will thus serve until 5 February 2015.

6. The current composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. Composition of the International Court of Justice

7. The present composition of the International Court of Justice is as follows:

President:

Hisashi Owada (Japan)*

Vice-President:

Peter Tomka (Slovakia)*

Judges:

Xue Hanqin (China)*

Abdul G. Koroma (Sierra Leone)*

Awn Shawkat Al-Khasawneh (Jordan)***

Thomas Buergenthal (United States of America)**

Bruno Simma (Germany)*

Ronny Abraham (France)***

Kenneth Keith (New Zealand)**

Bernardo Sepúlveda-Amor (Mexico)**

Mohamed Bennouna (Morocco)**

Leonid Skotnikov (Russian Federation)**

Antônio A. Cançado Trindade (Brazil)***

Abdulqawi Ahmed Yusuf (Somalia)***

Christopher Greenwood (United Kingdom of Great Britain
and Northern Ireland)***

* Term of office expires on 5 February 2012.

** Term of office expires on 5 February 2015.

*** Term of office expires on 5 February 2018.

III. Procedure in the General Assembly and in the Security Council

8. The election will take place in accordance with the following:
 - (a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;
 - (b) Rules 150 and 151 of the rules of procedure of the General Assembly;
 - (c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.
9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy (Art. 8 of the Statute).
10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.
11. The candidate who obtains an absolute majority of votes in both the General Assembly and the Security Council will be considered as elected (Art. 10, para. 1, of the Statute).
12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 192 Member States. Accordingly, on the date of the present memorandum, 97 votes constitute an absolute majority in the Assembly for the purpose of the present Court election.
13. In the Security Council, eight votes constitute an absolute majority, and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).
14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.
15. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court, and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.
16. If, in the first ballot in either the General Assembly or the Security Council, no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required

majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

17. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and in such cases the President of the Council has made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

18. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

19. If, upon comparison of the name of the candidate so selected by the General Assembly and the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

20. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.



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Agenda item 110 (c)

**Elections to fill vacancies in principal organs:
election of a member of the International Court
of Justice**

Security Council
Sixty-fifth year

Submission of a nomination by national groups

Note by the Secretary-General

1. In a letter dated 3 June 2010 addressed to the States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the fact that a seat on the Court had become vacant as a result of the resignation, with effect from 6 September 2010, of Judge Thomas Buergenthal (United States of America). In the same letter, the Secretary-General, in accordance with Article 14 of the Statute of the Court, issued the invitation provided for in Article 5, paragraph 1, of the Statute concerning the nomination of persons in a position to accept the duties of a member of the Court. He also requested that nominations be submitted by 12 August 2010 at the latest.
2. The Secretary-General has the honour to submit to the General Assembly and the Security Council, in accordance with Article 7 of the Statute of the Court, the name of the candidate nominated by the national groups (see annex).
3. The composition of the Court and the voting procedure to be followed by the General Assembly and the Security Council are set out in a memorandum from the Secretary-General issued as document A/64/899-S/2010/442. The curriculum vitae of the candidate is contained in document A/64/901-S/2010/444.



Annex

Submission of a nomination by national groups (12 August 2010)

<i>Name and nationality</i>	<i>National group submitting the nomination</i>
Joan E. Donoghue (United States of America)	Argentina
	Australia
	Austria
	Bulgaria
	Burkina Faso
	Canada
	Chile
	China
	Costa Rica
	Finland
	France
	Germany
	Greece
	Ireland
	Italy
	Japan
	Mexico
	Netherlands
	New Zealand
	Norway
	Poland
	Republic of Korea
	Romania
	Russian Federation
	Slovakia
	Slovenia
	Spain
	Switzerland
	Thailand
	United Kingdom of Great Britain and Northern Ireland
	United States of America



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Security Council
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Elections to fill vacancies in principal organs: election of
a member of the International Court of Justice

Curriculum vitae of the candidate nominated by national groups

Note by the Secretary-General

I. Introduction

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a vacancy in the International Court of Justice caused by the resignation of Judge Thomas Buergenthal (United States of America). The information on the nominations by national groups has been circulated in document A/64/900-S/2010/443. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/64/899-S/2010/442.

II. Curriculum vitae

Joan E. Donoghue (United States of America)

Current position

U.S. Department of State

Principal Deputy Legal Adviser

2007 to present

- Senior career attorney of the Department of State
- Acting Legal Adviser, January to June 2009 (advice to Secretary Clinton and President Obama on all aspects of international law)



- Advice on development, interpretation and application of international humanitarian law and human rights law
- U.S. submissions in advisory proceedings in *Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo* (International Court of Justice)
- Advice on drafting, negotiation and implementation of resolutions of the Security Council, General Assembly and other United Nations bodies
- Oversight of legal work related to the law of the sea, Antarctica, the Arctic, fisheries and the environment
- Supervision of U.S. advocacy in Iran-United States Claims Tribunal and North American Free-Trade Agreement (NAFTA) investor-state arbitration
- Head of delegation, bilateral claims negotiations with Iraq
- Legal advice and congressional testimony regarding 2008 U.S.-Iraq Security Agreement and Strategic Framework Agreement
- Implementation of President Obama's Executive Orders on Guantanamo, detention and interrogation
- Oversight of treaty approval process, including testimony for advice and consent of U.S. Senate
- Representative to U.S.-European Union Legal Dialogue
- Representative to Council of Europe Committee of Legal Advisers

Previous international law positions

George Washington University School of Law

2005

- Adjunct Professor, Public International Law

U.S. Department of State

2000-2001

Deputy Legal Adviser

- Oversight of bilateral law enforcement cooperation
- Implementation of legislation on foreign assistance and economic sanctions
- Supervision of international economic issues, including legal aspects of bilateral investment treaty (BIT) negotiation and formulation of model BIT provisions

1994-1999

Assistant Legal Adviser for Economic and Business Affairs

- Legal adviser in negotiation of understandings with the European Community regarding U.S. economic sanctions and conflicts of jurisdiction

- Litigation regarding U.S. state and local sanctions (*Crosby v. National Foreign Trade Council*, United States Supreme Court)
- Legal adviser and supervisor in investment negotiations (bilateral investment treaties and Organization for Economic Cooperation and Development (OECD) Multilateral Agreement on Investment)
- Legal advice regarding OECD Anti-Corruption Convention
- Formulation of U.S. positions in NAFTA investor-state cases (*Loewen Group, Methanex*)
- Legal adviser in bilateral aviation negotiations

1993-1994

Assistant Legal Adviser for African Affairs

- Legal advice on the transition to democracy in South Africa, including work with U.S. Congress to revise federal law and work with U.S. states to repeal state sanctions
- Advice on international humanitarian law, including on the establishment of the International Criminal Tribunal for Rwanda
- Advice on recognition and state succession

Council on Foreign Relations International Affairs Fellow and visiting professor, Boalt Hall School of Law, University of California at Berkeley

1992

- Research and writing on international environmental law and immunities law
- Teaching of U.S. foreign relations law and international environmental law

Georgetown University Law Center

1991

- Adjunct Professor, Foreign Relations Law

U.S. Department of State

1989-1991

Assistant Legal Adviser for Oceans, Environment and Science

- Legal adviser, negotiation of United Nations Framework Convention on Climate Change
- Legal adviser, negotiation of Protocol Concerning Specially Protected Areas and Wildlife to the Cartagena Convention
- Legal Adviser, Meeting of the Consultative Parties to the Antarctic Treaty
- Formulation of positions in General Agreement on Tariffs and Trade dispute settlement (*Tuna-Dolphin* and *Turtle-Shrimp*)
- Submission to U.S. Senate of U.S.-USSR treaty on maritime boundary

- Representative to legal expert groups on liability for environmental damage
- Head of delegation and legal adviser in fisheries negotiations

1986-1989

Director, Office of Diplomatic Law and Litigation

- Head of office responsible for foreign state immunity, head of state immunity, immunity of diplomats and special missions immunity
- Litigation and legislation regarding U.S. Foreign Sovereign Immunities Act
- Litigation regarding immunity of Heads of State, diplomats and other personnel
- Congressional testimony regarding diplomatic immunity
- Negotiation of international agreements governing privileges and immunities

1986

Attorney, Office of Law Enforcement and Intelligence

- Negotiation of extradition and mutual legal assistance agreements
- Legal advice related to international narcotics issues

1984-1986

Attorney, Office of Inter-American Affairs

- Member, U.S. team in *Nicaragua v. United States* (International Court of Justice)
- U.S.-Cuba migration negotiations
- Legal advice regarding implementation of Panama Canal Treaty
- Legal adviser in negotiation of Commission for the Study of Alternatives to the Panama Canal (U.S.-Panama-Japan)

Other professional experience

Freddie Mac

General Counsel and Corporate Secretary

2003-2005

Associate General Counsel, Legislative and Regulatory Affairs

2001-2003

- Leadership of Office of General Counsel after Board of Directors replaced the most senior executives in 2003 (initially as Acting General Counsel)
- Oversight of all litigation in regulatory and judicial proceedings
- Overhaul of corporate governance
- Elected Member of Board of Directors

U.S. Department of the Treasury

1999-2000

Deputy General Counsel

- Supervision of all aspects of Department's legal work
- Oversight of legal advice regarding regulations, licences and litigation under the International Emergency Economic Powers Act
- Supervision of legal work with respect to international financial institutions
- Management of litigation against Department of the Treasury

Covington & Burling, Washington, D.C.

1981-1984

- Federal court and administrative litigation

Education

Boalt Hall School of Law, University of California, Berkeley, J.D., 1981

University of California, Santa Cruz, B.A. with Honours in Russian Studies;
BA with Honours in Biology, 1978

Publications

"The public face of private international law: prospects for a convention on foreign State immunity", 57 *Law and Contemporary Problems* 305 (1994).

"International law and policy-making about global change", in *The Ecological and Social Dimensions of Global Change* (David D. Caron, Terry Chapin, Joan Donoghue, Mary Firestone, John Harte and Lisa Wells, eds., Institute of International Studies, University of California at Berkeley, 1994).

Book review, *The International Politics of the Environment*, by Andrew Hurrell and Benedict Kingsbury, 88 *American Journal of International Law* 411 (1994).

"EC participation in the protection of the marine environment", 17 *Marine Policy* 515 (1993).

"Taking the 'sovereign' out of the foreign sovereign immunities act: a functional approach to the commercial activities exception", 17 *Yale Journal of International Law* 489 (1992).

"The trade provisions of international environmental agreements: can they be reconciled with the GATT?", 86 *American Society of International Law Proceedings* 233 (1992).

"Perpetual immunity for foreign diplomats? A response to 'the Abisinito Affair: a restrictive theory of diplomatic immunity?'"', 27 *Columbia Journal of Transnational Law* 615 (1989).

Selected honours and awards

Distinguished Honor Award (highest award given by the Secretary of State) (2009)

Presidential Rank Award (Meritorious Executive) (2009)

Younger Federal Lawyer (awarded by the Federal Bar Association) (1988)

Other information

Member, American Society of International Law

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Agenda items 16, 49 and 67

Question of Palestine**Culture of peace****Elimination of racism, racial
discrimination, xenophobia and related
intolerance****Security Council
Sixty-fifth year****Identical letters dated 23 August 2010 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General, the President of the General Assembly and the
President of the Security Council**

In follow-up to my letter dated 9 April 2010 (A/ES-10/486-S/2010/184) and the letter dated 20 April 2010 from the Permanent Representative of Kuwait (A/64/751-S/2010/202), I am compelled to once again draw your attention to the very serious matter of the continued desecration and destruction by Israel of the historic Muslim Ma'man Allah (Mamilla) Cemetery in Jerusalem. These deplorable actions are being undertaken as the Israeli authorities continue to attempt to clear these hallowed grounds for the construction of a so-called "Centre for Human Dignity and Museum of Tolerance" as well as the construction of a "judicial complex" on another part of the Cemetery. The building of such institutions of "tolerance" and "justice" via the disinterment of human remains and the destruction of hundreds and hundreds of graves is obscene and appalling and should be offensive to any individual with moral conscience and basic human sensitivity.

As noted in the earlier letters, the Mamilla Cemetery is an ancient Muslim burial ground and holy site dating back at least to the twelfth century, where thousands of Palestinian families, religious figures and officials, scholars and martyrs have been laid to rest. For decades, this Cemetery has been recognized as a historic site, central to the Islamic religious sites and heritage in the City of Jerusalem, and was declared a historic site by the Muslim Supreme Council in 1927 and an antiquities site by the British Mandate authorities in 1944. For hundreds of years the Waqf (Islamic Endowment) of Jerusalem had cared for the Cemetery, but it has been prevented by Israel from accessing the Cemetery grounds since 1967, causing it to fall into disrepair. Even families of the deceased who have attempted



over the years to repair and clean gravesites have faced obstructions, with repairs being destroyed or removed by Israeli authorities, ensuring that the Cemetery remains in constant disrepair.

Regrettably, in grave disrespect of the universal norms regarding burial sites, which are to be protected and preserved, in grave disrespect of the sensitivities and rights of the descendants of those buried in the Mamilla Cemetery and in a display of blatant contempt and disregard for Islamic religious and Palestinian cultural sensitivities, the Israeli authorities have carried out yet another wave of destruction in the Cemetery. Following the desecration and bulldozing of 1,500 graves last year, this month the Israeli authorities carried out the destruction of at least 150 recently restored tombs and grave markers as well as several older tombs in the Cemetery, disinterring more human remains. This condemnable act of destruction was carried out despite the fact that the Israeli court-appointed custodian of the Cemetery, Hajj Mustafa Abu Zahra, was permitted during the past few months to undertake minor maintenance and renovations in the Cemetery. Moreover, excessive force was used against those protesting this latest desecration of the Cemetery, including against Hajj Abu Zahra, who with other Jerusalemites tried to block the bulldozers.

We have thus been compelled to again draw your attention to Israel's disrespect for this historic Islamic burial ground as well for other religious and cultural heritage sites in the City of Jerusalem, which clearly amount to desecration and blatant intolerance. In this regard, it must be pointed out that several impartial reports have addressed the vulnerability of religious and historic sites in the Occupied Palestinian Territory and in Israel. This includes the 2009 International Religious Freedom Report of the United States State Department, which noted that the Government of Israel "implements regulations only for Jewish sites. Non-Jewish holy sites do not enjoy legal protection ...", and that "while well-known sites have de facto protection as a result of their international importance, many Muslim and Christian sites are neglected, inaccessible or threatened by property developers and municipalities."

Such actions, including the flagrant desecration of the Mamilla Cemetery, must be firmly condemned. Urgent efforts must be undertaken to preserve and protect the Mamilla Cemetery, a site of importance to the Palestinian, Arab and Muslim heritage. In this regard, Israel, the occupying Power, must be called upon by the international community to cease all such illegal, deplorable and provocative actions, which constitute yet further attempts by Israel to erase the Palestinian Arab identity, history and presence in the land and particularly in the Holy City of Jerusalem and which risk further inflaming religious sensitivities and destabilizing the very fragile situation on the ground.

I should be grateful if you would arrange to have the present letter distributed as a document of the General Assembly, under agenda items 16, 49 and 67, and of the Security Council.

(Signed) **Riyad Mansour**
Ambassador

Permanent Observer of Palestine to the United Nations



General Assembly

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Agenda item 118

Revitalization of the work of the General Assembly

Report of the Ad Hoc Working Group on the Revitalization of the General Assembly

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I. Introduction

1. By its resolution 63/309, the General Assembly decided to establish, at its sixty-fourth session, an ad hoc working group on the revitalization of the General Assembly, open to all Member States:

(a) To identify further ways to enhance the role, authority, effectiveness and efficiency of the Assembly, inter alia, by building on previous resolutions;

(b) To submit a report thereon to the Assembly at its sixty-fourth session.

2. The present report and the recommendations contained herein are submitted pursuant to that resolution.

3. During the sixty-fourth session of the Assembly, on 2 November 2009, the President of the General Assembly appointed two Co-Chairs of the Working Group, Mr. Jorge Argüello, Permanent Representative of Argentina to the United Nations, and Ms. Sanja Štiglic, Permanent Representative of Slovenia to the United Nations.

4. Before formally beginning its work, the Co-Chairs of the Working Group conducted informal meetings with various Member States and representatives of a variety of political groups. During those meetings, the Co-Chairs benefited extensively from the insights and ideas of Member States on both the substance and the technical and procedural aspects of the revitalization process.

II. Proceedings

5. The Working Group held seven meetings: on 26 February, 26 March, 26 and 28 April, 18 June, 13 July and 8 September 2010.

6. The programme of work was organized in two practical stages, as follows: (a) general discussion and exchange of views, and (b) thematic meetings. At each of those stages, representatives identified ways to further enhance the role, authority, effectiveness and efficiency of the General Assembly.

A. General discussion

7. At its first meeting, on 26 February, the Working Group held a general discussion on the revitalization of the General Assembly, in the course of which 18 Member States intervened, including on behalf of various political groups.

8. In their opening remarks, the Co-Chairs thanked their predecessors from the sixty-third session for their important work and achievements which, they said, would form the basis for the current session's work. They encouraged Member States to engage in a frank dialogue and stressed that their work would be based on the principles of transparency and inclusiveness.

9. The President of the General Assembly, who addressed the meeting at the outset, underlined the need to enhance the role of the Assembly and stated that revitalization was primarily a political issue which required Member States to muster the necessary political will to bring about the necessary changes.

10. Following the remarks from the President, speakers welcomed the appointment of the Co-Chairs.

11. During the discussion, representatives touched upon many pertinent problems, including the following: implementation of existing resolutions on revitalization; relations between the principal organs of the United Nations (particularly between the General Assembly and the Security Council); the timely issuance of documents and the importance of reducing their printing and distribution (as well as related cost savings); the role and importance of thematic debates; the visibility of the Assembly; the use and amelioration of voting and balloting technology; the processes of appointing the Secretary-General and electing the President of the Assembly; and the strengthening of the institutional memory of the Office of the President of the General Assembly.

12. Many representatives stressed that revitalization was a political process whose principal objective was to strengthen the role of the Assembly as the main deliberative, policymaking and representative organ of the United Nations, and to counter attempts to undermine that role, including through perceived encroachment. Other speakers stressed that the goal of the exercise should be to render the work of the Assembly more efficient and effective, including through improving its working methods and adjusting its agenda to the current global realities.

13. Many Member States urged the Working Group to achieve concrete results, and also called for a focus on the implementation of decisions and resolutions related to revitalization, stating that there must be a thorough evaluation of the status of implementation of resolutions and a clear identification of the underlining causes behind any lack of implementation, considering this review as being of utmost importance. One delegation suggested consideration of means aimed at ensuring the verification of concrete results.

14. Balance among the principal organs, and particularly with the Security Council, in the light of what many representatives perceived as encroachment on the work of the General Assembly, was an important point that needed to be addressed. That included, a number of speakers argued, making the Council more accountable to the Assembly and aligning their work programmes.

15. It was pointed out that the relationship between the Assembly and the Security Council was also considered in the context of intergovernmental negotiations on the reform of the Security Council.

16. One of the representatives made the point that the relationship between the Assembly and the Security Council was a fundamental constitutional issue. Another representative argued that the working group should not be impinging on other bodies and that there should not be a reallocation of responsibilities in favour of the General Assembly.

17. Numerous representatives suggested that the Assembly's role in the selection process of the Secretary-General should be enhanced, and many regretted that provisions to that effect contained in previous resolutions had not yet been fully implemented.

18. The strengthening of the Office of the President of the General Assembly was mentioned by a number of speakers as a possible focus of the Ad Hoc Working Group and many Member States looked forward to the President's forthcoming

views on strengthening the institutional memory of the Office. Many representatives also deemed it essential to ensure the availability of sufficient and predictable financial and human resources as a prerequisite for the office. A group of countries welcomed the measures already adopted with a view to strengthening the Office of the President of the General Assembly.

19. One representative emphasized that the Ad Hoc Working Group should focus on measures that could make a real difference regarding the practices and procedures of the Assembly itself, particularly its working methods, and increase cooperation among the membership. The same speaker also emphasized the importance of the question of media access.

20. Regarding modernization of the voting and balloting system in the Assembly, many speakers urged necessary caution with regard to the confidentiality and the integrity of the voting process, since the various proposals made on the use of optical scanners have not yet convinced the entire membership that the confidentiality of the vote would be enhanced, or at least preserved. The same representatives emphasized that to date no formal decision had been taken for the introduction of a new balloting system. Another group of countries emphasized the importance of improving existing systems of voting as well as the necessity of adopting new technologies.

21. One of the representatives underscored the need for greater visibility of the work of the General Assembly. Another speaker commended the briefing by the United Nations Correspondents Association of the Ad Hoc Working Group on Revitalization at its previous session and would welcome further briefings like it. A group of representatives underscored the importance of introducing means of improving the quality and precision of General Assembly documents in the six official languages.

22. In closing, the Co-Chairs thanked Member States for their participation, their support and the views expressed, assuring the Working Group that the Co-Chairs would be guided by those views and concerns.

23. As a result of the above-mentioned deliberations, the Co-Chairs, in a letter dated 18 March 2010, circulated a workplan proposing three thematic meetings focusing on the issues most frequently cited as most central to the revitalization process of the General Assembly, as follows:

(a) Implementation of General Assembly resolutions and the agenda; operational and technical issues, including information on the General Assembly voting system, in the framework of the capital master plan;

(b) The role of the General Assembly and its relationship to the other principal organs of the organization and the visibility and public outreach capacity of the Assembly; the role and responsibility of the General Assembly in the process of appointing Secretaries-General of the United Nations;

(c) Strengthening the institutional memory of the Office of the President of the General Assembly and enhancing its functions and relationship with the Secretariat.

24. In the light of the views expressed by several speakers at the meeting on 26 March, the proposed draft programme, in a letter dated 16 April, was further revised to the effect that the second theme (b) was to be split to discuss separately

the items entitled "The role of the General Assembly and its relationship to the other principal organs" and "The role and responsibilities of the General Assembly in the process of selection and appointment of the Secretary-General". A summary of the four thematic meetings is provided below.

B. Thematic meetings

Implementation of General Assembly resolutions on revitalization and General Assembly working methods, including operational and technical issues like voting and balloting

25. The first thematic meeting, as indicated in the workplan, was held on 26 March. Ten representatives, including some also speaking on behalf of groups, intervened in discussions on the implementation of General Assembly resolutions on revitalization and General Assembly working methods, including such operational and technical issues as voting and balloting.

26. Many Member States agreed that the best way to revitalize the Assembly would be to implement previous resolutions. The inventory of resolutions on revitalization annexed to the previous two reports of the Working Group (A/62/952/Add.1, annex II, and A/63/959, annex) was considered a helpful tool to Member States in their assessment of the status of implementation. Several speakers suggested that the inventory should be updated on a regular basis, including an indication of reasons for non-implementation. Many Member States also proposed that the inventory be revisited with the aim of making it more concise, dropping all references to recommendations that had already been implemented and concentrating on those still to be implemented.

27. With regard to documentation, a group of countries reiterated the importance of improving the quality and accuracy of documents and ensuring that they were produced in a more cost-effective way. The Secretariat was requested to inform Member States of the savings that could be made by eliminating distribution of the paper versions of United Nations documents to the permanent missions (see para. 57 below), supporting as well a wider use of the Internet so that it truly became the main channel for the transmission of information and the distribution of documents. The importance of the timely issuance of documents in all six official languages was underlined.

28. Several speakers stressed that thematic debates were most useful if they were results-oriented and tied to emerging issues. At the same time, concern was expressed over the risk of duplication of discussions. One delegation suggested that it would be useful to select the themes on the basis of their expected outcomes and proposed that the President of the General Assembly could conduct some type of consultation with the membership from time to time to identify themes resulting from an outcome approach.

29. On the issues of voting and balloting, one group of countries attached great importance to the improvement of the existing balloting system and the need to adapt it to modern technologies. This group would welcome a follow-up briefing on voting systems and the latest voting technology available. Many others, however, noted that none of the systems thus far presented had seemed to meet all the Assembly's criteria and concerns and that as a result no formal decision had yet

been taken in this regard. They reiterated their readiness to examine any proposal for a new system that improves the current system and meets the security and confidentiality requirements. The current system should be kept in place until that time. Another representative wished to see modifications made by the efficient utilization of existing financial resources without any additional budgetary requirements.

30. In closing, the Co-Chairs noted that they would re-examine the possibility of either restructuring or rescheduling the issues to be covered in the Group's next meeting (see paras. 23 and 24), also summing up the positions expressed by Member States regarding new balloting technologies.

The role of the General Assembly and its relationship to other principal organs of the United Nations

31. At the second thematic meeting, on 26 April, 17 representatives, some again speaking on behalf of various groups, addressed the issue of the role of the General Assembly and its relationship to other principal organs of the United Nations.

32. Many speakers expressed their appreciation that the Co-Chairs had heeded Member States' request for scheduling two separate meetings, one on the current item and a subsequent meeting on the selection of the Secretary-General, items which originally had been intended for joint consideration.

33. Generally, speakers emphasized the Assembly's role and authority as the most representative body in international politics and underlined the need to strengthen its work, including by improving the working relationships with the other principal organs, especially the Security Council and the Economic and Social Council, as well as the Secretariat.

34. In respect of the relationship between the Assembly and the other principal organs, many Member States expressed the view that the primary objective of revitalization of the Assembly was to continue to strengthen the role and position of the Assembly as the chief deliberative, policymaking and representative organ of the United Nations. Several speakers referred to the relevant provisions of the Charter, which sets out the respective bodies' functions and powers, and one representative noted that there was no subordination of one body to another.

35. A large group of representatives reaffirmed the role and the authority of the Assembly, including on issues relating to international peace and security, as stipulated in Articles 10 to 14 and 35 of the Charter of the United Nations, where appropriate, using the procedures set forth in rules 7 to 10 of the rules of procedure of the Assembly, which enables swift and urgent action by the Assembly.

36. Concern was expressed by some over the continuous perceived encroachment by the Security Council on the work and agenda of the Assembly, including in the areas of norm-setting, legislative, administrative and budgetary matters. Coordination among and between the principal organs and their Presidents was, in the view of those representatives, a matter of utmost importance and needed to include the respective agendas and programmes of work. It was noted that previous resolutions aimed at increasing coordination among the two bodies existed and needed only to be implemented. Such implementation would include, inter alia, regular meetings between the respective Presidents of the principal organs. One representative proposed establishing a permanent seat for the President of the

General Assembly in the Security Council, and another suggested initiating a regular exchange between the Assembly and the United Nations System Chief Executives Board for Coordination.

37. There was also some concern that provisions regarding the improvement of the annual report of the Security Council to the General Assembly, as well as those regarding the submission of special subject-oriented reports, had not been implemented. However, improvements in the preparation of the annual reports was noted, especially the consultations convened under the presidencies of Viet Nam and Uganda.

38. Focusing on the relationship with the Economic and Social Council, a speaker currently holding the presidency of that body referred to General Assembly resolution 48/162 and noted that duplication of work between the two organs ought to be avoided. The speaker therefore suggested requesting the Secretariat to report on the implementation of that resolution. To ensure that its role was not being diluted, the Assembly ought to be selective in focusing its attention on those matters which were not being deliberated elsewhere. Agenda items which had not been taken up for a certain number of years should therefore automatically be up for renewal through a request by Member States, or else be deleted on an automatic basis. Another representative, however, rejected that proposal and expressed firm opposition to the idea of sunset clauses.

39. Other issues that arose at the meeting included the role of thematic debates, documentation and the selection process of the Secretary-General. In regard to thematic debates, a representative emphasized the usefulness of the President of the Assembly consulting with Member States on the selection of the themes for the debates. Another argued that the Assembly should play a vanguard role in protecting the environment by reducing the distribution of documents and circulating them electronically instead. The balloting procedure in the Assembly was again referenced, and it was suggested that it should be made more efficient by adopting the same modern technology being used by other organizations. The same representative, at the same time, stressed the need to ensure security and confidentiality. Several speakers also commented upon the issue of the selection process for the Secretary-General, which was the theme of the next meeting.

The role and responsibilities of the General Assembly in the process of selection and appointment of the Secretary-General

40. At the third thematic meeting, on 28 April, representatives of 20 Member States intervened, some again on behalf of various groups.

41. Many Members underlined the importance of the role and responsibilities of the General Assembly in the process of selection and appointment of the Secretary-General, including by making reference to Article 97 of the Charter by which both the General Assembly and the Security Council were given a joint mandate to carry out the task of nomination and election of the Secretary-General. The view was expressed that the Assembly's role has historically been sidelined in this regard. Accordingly, the representatives expressing this view reaffirmed the need for greater transparency and inclusiveness in the selection and appointment process and called for the full implementation of the relevant provisions in resolutions 51/241 (see paras. 56-57 and 59-60) and 60/286 (see paras. 17-19). Another representative proposed that the forward-looking proposals on relevant issues generated in the

Working Group, including those on the role and responsibilities of the General Assembly in the process of selection and appointment of the Secretary-General, could also be shared by the co-facilitators with the informal plenary of the General Assembly on Security Council reform.

42. Another group of Member States also attached great importance to the full implementation of the relevant provisions of the Charter and respective resolutions and welcomed the invitation to the Security Council to regularly update the Assembly on the steps taken in that regard. It was specifically underscored that the formal appointment process must follow the procedures laid down in the Charter.

43. Another speaker expressed support for realistic proposals but cautioned that the provisions of the Charter on the division of powers must be respected and the practice stipulated in Article 97 retained. This representative did not support attempts at redistribution of power to the Assembly at the expense of the Security Council or attempts to alter Article 97 but allowed that the current process could be improved. Another representative noted that the presentations to regional groups that occurred in 2006 had provided Member States the opportunity to hear the candidates and their views. While speaking in favour of continued improvement in that area, the same representative noted that the process of selecting the Secretary-General provided more transparency than the process of selecting the President of the General Assembly, and the difference in those processes merited consideration.

44. One speaker proposed that the President of the General Assembly consult Member States on candidates and forward the results of those discussions to the Security Council; the same speaker proposed considering the selection processes of other bodies, such as those employed by the funds, programmes and specialized agencies of the United Nations system. The latter point was supported by another representative who also noted that no amendments to the Charter or other sensitive measures would be required to effect the necessary changes to the selection process.

45. Another representative agreed that there needed to be an improvement in the selection process in order to modernize the United Nations along the lines of the best practices within other international organizations and advocated a systematic methodology for identifying and nominating potential candidates and an opportunity for Member States to meet candidates for the position of the Secretary-General, possibly through an informal meeting of the Assembly. Another representative called for formal presentation of candidatures in a manner that allowed for sufficient time for interaction with the membership.

46. Another proposal came from a speaker who argued that candidates should appear before the General Assembly, which could then forward a list of its candidates to the Security Council, which could in turn send its candidate to the General Assembly. Thus, both organs would be playing the roles assigned to them in a simple, transparent process. One delegation suggested that Article 97 could be referred to the International Court of Justice for definitive interpretation.

46bis. A large group of delegations emphasized that the current practice had sidelined the role of the General Assembly in the process of selection and appointment of the Secretary-General; and that the Security Council, in particular the permanent members, have assumed too large powers over the years in this matter. Resolution 11 (1) of 24 January 1946 has thus proved its shortcoming in addressing the growing concern of members of the General Assembly in this regard.

This same group stressed that it has no intention to embark on a process aimed at the amendment of the Charter, in particular its Article 97, but rather is seeking a genuine improvement of the current procedure within the framework defined by Article 97. This improvement, which should start with the effective implementation of resolutions already adopted, may include substantive change to the current procedure itself.

46ter. One delegation suggested to have a clearly determined procedure consolidated in a General Assembly resolution covering the overall process and a Security Council resolution setting a specific procedure to be followed in this instance; promoting greater transparency and inclusion in the selection process and criteria to ensure the consideration of regional rotation and gender equality at the time of the election; establishing a time limit for the formal presentation of candidatures for the post; informal consultations in the plenary so that candidates for the post of Secretary-General submit to all Member States of the General Assembly their views, plans, projects and initiatives; and adoption by the Security Council, in accordance with its methods of work, of a single procedure for the selection of the candidate to be presented for consideration by the General Assembly. This will prevent the procedure from needing to be modified in each selection process.

Strengthening the institutional memory of the Office of the President of the General Assembly

47. At the fourth thematic meeting, on 18 June, 17 delegations made statements, some again on behalf of various groups.

48. At the outset of the meeting, the President of the General Assembly made a statement to introduce his views on strengthening the institutional memory of the Office of the President (see annex), in accordance with paragraph 5 of resolution 63/309. In his comments, the President underlined the need to strengthen the General Assembly and for it to play a role in ending conflicts and underdevelopment. He also cited the specific resource allocations to the Office of the President, and, noting their current inadequacy, expressed hope that his recommendations would be considered in a holistic manner by the Ad Hoc Working Group.

49. In the subsequent debate, the participating delegations welcomed the note of the President and thanked him for his statement.

50. Many Member States expressed their support in principle for the strengthening of the Office of the President, including a possible increase in the allocated budget, additional posts and the provision of adequate office space. A group of countries welcomed the measures already adopted with a view to strengthening the Office of the President of the General Assembly.

51. Several other delegations stressed the paramount importance of institutional memory and welcomed the measures already adopted in this regard. Many delegations in fact again supported the idea of lessons learned reports, including a status chart, which should also be made available to all Member States, and could serve as an effective tool to ensure institutional memory. One delegation, noting its initiative in adopting resolution 56/509, by which the Assembly decided to elect its Presidents at least three months in advance of the opening of each session, proposed

that these three months should be used as productively as possible and that a lesson learned report should be handed over immediately after the election and a follow-up report from the outgoing President at the closing of the session.

51bis. A group of countries stressed the importance to ensure efficiency in the process of nomination, selection and transfer of responsibilities between the Presidents.

52. Geographical balance among the staff of the Office of the President of the General Assembly was welcomed in spirit, and the practice of the current President was specifically commended, but the view was also expressed that the President should have full authority to select his/her advisers. One delegation suggested consideration of gender balance as an additional staffing criterion.

53. While there was considerable support for an increase in budgetary allocation, several speakers underlined that the appropriate procedures needed to be followed and that this issue should be discussed in the context of the budget deliberations in the Fifth Committee. One delegation for example argued this should be done on the basis of a detailed report. Another speaker requested clarification as to the extra-budgetary support that is provided to the Office and on the details of the recently established Trust Fund. Another delegation, while taking note of the resources currently available to the Office, also suggested that this issue be followed up through the appropriate mechanisms at the sixty-sixth session, to allow also taking into account the views of the Presidents at the sixty-fifth and sixty-sixth sessions, respectively. The suggestion was also made to evaluate the specific improvements gained through previous expansions of the Office, such as in resolutions 58/126 and 60/286. A group of countries welcomed the measures already adopted with a view to strengthening the Office of the President of the General Assembly.

53bis. One delegation proposed the creation of an ad hoc team of the Office of the President of the Assembly to remain in time, and not changed every year, to ensure the efficient and effective management of the presidency. The composition of the team of advisers to the President must necessarily respect the principle of geographical balance and certain criteria of selectivity in their name, in order to ensure high professional and technical expertise.

54. Many speakers agreed with the imperative for the President to be provided with adequate protocol and security services commensurate with the status of the office, including the adequate provision of office space.

55. Referring to the relationship between the principal organs of the United Nations, and also between the Office of the President and the Secretariat, a group of Member States expressed the view that anything other than a cooperative approach would inevitably lead to a weakening of the Organization to the detriment of all its Members.

56. On the visibility of the work of the General Assembly, several speakers suggested the need for better access by the media to the Assembly and its President, and emphasized the utility of the enhanced use of modern technology. The Department of Public Information and the United Nations Correspondents Association would have a role to play in this regard. One delegation also underlined the important role that the Chairs of the Main Committees could be asked to play. One specific idea that was mentioned referred to more frequent briefings by the President of the General Assembly immediately following meetings of the

Assembly. Another delegation suggested studying also the best practices in other international organizations regarding media visibility.

57. The Assistant Secretary-General of the Department for General Assembly and Conference Management briefed the meeting on documentation, in response to questions raised during previous meetings. In his briefing, the Assistant Secretary-General informed that the Secretariat had ceased the internal distribution of hard copies of official documents as of the beginning of the year and emphasized the significant reduction in the printing of paper that had been achieved as a result. An e-subscription mechanism was now in place for United Nations staff and the official document system (ODS) had been rendered more user-friendly with the introduction of a search engine function. By way of RSS feed, Member States would soon have the opportunity to subscribe to the type and category of documents and to receive them daily electronically.

58. In other comments, many Member States reiterated their concern over the perceived encroachment by the Security Council on the powers of the General Assembly and over what it views as lack of transparency in the process of nominating the Secretary-General. With regard to the proposal for establishing a new balloting system, the group reiterated the caution and reservation already expressed at the previous session.

59. Following the briefing on documentation, the Secretariat made a presentation of the new voting technology in place in the North Lawn Building, including a dry run. Several delegations actively participated in a segment on questions and comments, and overwhelmingly emphasized the need for further technical improvements to ensure full screen reflection of voting results encompassing the entire list of Member States. Some again wondered whether the new system would also be used for the purpose of conducting elections in the General Assembly, and the Secretariat made clear that the new voting technology would solely be employed for the purpose of voting. The Secretariat also informed that, in the absence of a specific mandate from the General Assembly, balloting would continue in accordance with past practice, and that the introduction of new balloting technology was not part of the ongoing capital master plan.

60. The Co-Chair summed up the main points of the discussions. In reply to a query from a delegation, the Co-Chair clarified that the question of balloting technology, as a separate issue from voting, would not be further considered at the current session in the light of the explanation provided by the Secretariat and the wide variety of different views that had emerged in bilateral consultations, inter alia, regarding the need for ensuring strict criteria for credibility, reliability, confidentiality and security.

III. Conclusions

61. In accordance with its mandate, the Working Group endeavoured to identify key issues of concern and possible consensus to examine the current status of implementation with regard to those issues, and either to take or to indicate possible further action to be taken on them.

62. At its seventh meeting, on 8 September 2010, the Ad Hoc Working Group considered and adopted a draft resolution (see para. 64 below) and the present report.

IV. Recommendations

63. On the basis of a draft resolution circulated by the Co-Chairs, the Ad Hoc Working Group developed the resolution set out below.

64. At its seventh meeting, on 8 September 2010, the Ad Hoc Working Group on the Revitalization of the General Assembly concluded its work for the sixty-fourth session of the General Assembly. The Working Group decided to recommend that the General Assembly adopt the following draft resolution:

Revitalization of the work of the General Assembly

The General Assembly,

Reaffirming its previous resolutions relating to the revitalization of its work, including resolutions 46/77 of 12 December 1991, 47/233 of 17 August 1993, 48/264 of 29 July 1994, 51/241 of 31 July 1997, 52/163 of 15 December 1997, 55/14 of 3 November 2000, 55/285 of 7 September 2001, 56/509 of 8 July 2002, 57/300 of 20 December 2002, 57/301 of 13 March 2003, 58/126 of 19 December 2003, 58/316 of 1 July 2004, 59/313 of 12 September 2005, 60/286 of 8 September 2006, 61/292 of 2 August 2007, 62/276 of 15 September 2008 and 63/309 of 14 September 2009,

Stressing the importance of implementing resolutions on the revitalization of its work,

Recognizing the role of the General Assembly in addressing issues of peace and security, in accordance with the Charter of the United Nations;

Recognizing the need to further enhance the role, authority, effectiveness and efficiency of the General Assembly,

Noting the important role and the activities of the Office of the President of the General Assembly,

1. *Welcomes* the report of the Ad Hoc Working Group on the Revitalization of the General Assembly;

2. *Decides* to establish, at its sixty-fifth session, an ad hoc working group on the revitalization of the General Assembly, open to all Member States;

(a) To identify further ways to enhance the role, authority, effectiveness and efficiency of the Assembly, inter alia, by building on previous resolutions and evaluating the status of their implementation;

(b) To submit a report thereon to the Assembly at its sixty-fifth session;

3. *Decides* that the Ad Hoc Working Group, at the sixty-fifth session, shall undertake a comprehensive review of the inventory contained in the annex to the report of the Ad Hoc Working Group on the Revitalization of the General Assembly

submitted at the sixty-third session (A/63/959), and requests the Secretary-General to submit an update of the provisions of the General Assembly resolutions on the revitalization that have been addressed to the Secretariat for implementation for further consideration by the Ad Hoc Working Group that have not yet been implemented, with an indication of the constraints and reasons that are behind any lack of implementation, for further consideration by the Ad Hoc Working Group;

Role and authority of the General Assembly

4. *Reaffirms* the role and authority of the General Assembly, including on questions relating to international peace and security, as stipulated in Articles 10 to 14 and 35 of the Charter of the United Nations, where appropriate, using the procedures set forth in rules 7 to 10 of the rules of procedure of the General Assembly, which enable swift and urgent action by the Assembly, bearing in mind that the Security Council has primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter;

5. *Welcomes* the holding of thematic debates on current issues of critical importance to the international community, and invites the President of the General Assembly to continue with this practice in consultation with Member States;

6. *Also welcomes* the periodic informal briefings by the Secretary-General to the General Assembly on his priorities, travels and most recent activities, and encourages him to continue with this practice;

7. *Stresses* the importance of ensuring increased cooperation, coordination and exchange of information among the principal organs and, in this regard, welcomes the holding of periodic meetings between the Presidents of the General Assembly, the Security Council and the Economic and Social Council;

8. *Welcomes* the practice of the President of the General Assembly of informing Member States about the outcome of these informal meetings through letters on a regular basis, and encourages future Presidents to continue with this practice;

9. *Also welcomes* the improvements that have been made in the quality of the annual reports of the Security Council to the General Assembly, encourages the Security Council to make further improvements as necessary, and takes note of the holding of informal meetings of the President of the Security Council with all Member States before the preparation of the report;

10. *Requests* the Secretary-General to submit proposals in the context of the proposed programme budget for the biennium 2012-2013, to review the budget allocation to the Office of the President of the General Assembly in accordance with existing procedures;

11. *Also requests* the Secretary-General to endeavour to ensure, within existing resources, that the President of the General Assembly is provided with proper protocol and security services and adequate office space, with a view to enabling the President to carry out his or her functions in a manner commensurate with the dignity and stature of the Office;

12. *Welcomes* the establishment of the Trust Fund in support of the Office of the President of the General Assembly, and invites Member States to contribute to the Fund;

13. *Invites* the Presidents of the General Assembly to periodically brief Member States on their recent activities, including official travels;

Selection and appointment of the Secretary-General

14. *Reaffirms* its commitment to continuing, in the Ad Hoc Working Group during the sixty-fifth session, in accordance with the provisions of Article 97 of the Charter of the United Nations, its consideration of the revitalization of the role of the General Assembly in the selection and appointment of the Secretary-General, and calls for the full implementation of all relevant resolutions, including, 11 (1), 51/241 and 60/286, in particular paragraphs 17 through 22 of the annex thereto, which read as follows:

“17. Recalls Article 97 of the Charter, as well as the provisions of General Assembly resolutions 11(I) of 24 January 1946 and 51/241, as relevant to the role of the Assembly in appointing the Secretary-General, upon the recommendation of the Security Council;

“18. Emphasizes, bearing in mind the provisions of Article 97 of the Charter, the need for the process of selection of the Secretary-General to be inclusive of all Member States and made more transparent and that, in the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard should be given to regional rotation and gender equality, and invites the Security Council to regularly update the General Assembly on the steps it has taken in this regard;

“19. Encourages, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, the President of the General Assembly to consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, to forward those results to the Security Council;

“20. Also encourages formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States, and requests candidates to present their views to all States members of the General Assembly;

“21. Recalls paragraph 6 of its resolution 51/241, in which it is stated that, in order to ensure a smooth and efficient transition, the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires;

“22. Emphasizes the importance of candidates for the post of Secretary-General possessing and displaying, *inter alia*, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership, and administrative and diplomatic experience;”

Strengthening the institutional memory of the Office of the President of the General Assembly

15. *Welcomes* the submission by the President of the General Assembly to the Ad Hoc Working Group on the Revitalization of the General Assembly of his views on the strengthening of the institutional memory of the Office of the President of the General Assembly, in accordance with paragraph 5 of resolution 63/309;

16. *Takes note* of the recommendations contained in the annex to the report of the Ad Hoc Working Group;

17. *Requests* the outgoing Presidents of the General Assembly to brief their successors on the lessons learned and best practices;

Working methods

18. *Requests* the General Assembly and its Main Committees, at the sixty-fifth session, in consultation with Member States, to make proposals for the further biennialization, triennialization, clustering and elimination of items on the agenda of the Assembly, taking into account the relevant recommendations of the Ad Hoc Working Group, including through the introduction of the sunset clause, with the clear consent of the sponsoring State or States;

19. *Takes note* of the briefing on documentation provided to the Ad Hoc Working Group, and encourages Member States to make full use of the e-services provided by the Secretariat, taking into account the cost savings and the reduced environmental impact that may accrue from this exercise, in order to improve the quality and distribution of those documents;

20. *Stresses* the importance of further enhancing public and media awareness of the work and decisions of the General Assembly, and requests continued consideration of this issue in the Special Political and Decolonization Committee (Fourth Committee) at the sixty-fifth session under the item entitled "Questions relating to information";

21. *Decides* that the Ad Hoc Working Group, during the sixty-fifth session, shall consider options for more time-effective, efficient and secure balloting, reiterating the need to ascertain the credibility, reliability and confidentiality of the balloting process, and requests the Secretariat to submit an update on the latest developments.

Annex

Views of the President of the General Assembly on strengthening the institutional memory of the Office of the President of the General Assembly

I. Introduction

1. The General Assembly has frequently reiterated the need to strengthen the role and leadership of the President of the Assembly. To ensure that the President is able to carry out his or her work in a more effective and efficient manner, it is necessary to enhance the institutional memory and reinforce the continuity on which the President and his or her Office base their work.

2. I have had the distinct honour to be elected by the General Assembly to serve as President of its sixty-fourth session. In accordance with the mandate conferred upon me by resolution 63/309, in which the General Assembly noted "the importance of strengthening the institutional memory of the Office of the President of the General Assembly" and invited "the President at the sixty-fourth session to submit his views to the Ad Hoc Working Group at the sixty-fourth session for its consideration", I am herewith submitting my views to you on how best to strengthen the Office of the Presidency, based on my experience so far. The following provides by way of background a brief overview of the work of the General Assembly as it has evolved in recent years; delineates broadly the functions of the Office of the President of the General Assembly, and the context in which this work is being carried out; and, finally, offers some ideas and recommendations that, in my view, may be useful in moving this important issue forward.

II. Recent developments in the work of the General Assembly

3. As set out in the Charter of the United Nations, the General Assembly plays a key role in addressing the many global challenges confronting the international community. This role has frequently been reaffirmed by the entire membership, including in the Millennium Declaration and the 2005 World Summit Outcome, wherein the Heads of State and Government reiterated the role and authority of the General Assembly as the "chief deliberative, policy-making and representative organ of the United Nations".

4. The agenda of the Assembly is ordered under thematic headings that include peace and security to development, development in Africa, the promotion of human rights, humanitarian assistance, international law, disarmament, drug control, crime prevention and combating international terrorism, as well as organizational, administrative and other matters. No other international body is concerned with issues falling under such a wide variety of themes, addressing the most important challenges facing humankind today.

5. Resolutions adopted by consensus on the revitalization of the work of the General Assembly during the past 17 years have stressed the need for the Assembly to play a more active role, including in dealing with issues pertaining to peace and security. The workload of the General Assembly has thus continuously expanded, and is no longer limited to the main part of the session that runs from September to

December, but now stretches throughout the session, right up to the opening of the next session. The number of items inscribed on the agenda, 172, at the current session reflects this increased workload. Approximately 250 to 300 resolutions and 80 to 100 decisions are adopted in a session of the General Assembly. Furthermore, there are a number of areas in which the Assembly convenes informal consultations, in one format or the other, ranging from system-wide coherence to the consequences of the global economic and financial crisis, review of the Peacebuilding Commission, human trafficking, reform of the Security Council and, not least, the revitalization and strengthening of its own work.

6. During the sixty-fourth session, Member States are also coming together in the General Assembly in preparation for the high-level plenary meetings on the Millennium Development Goals, the sustainable development of small island developing States, and biological diversity, which are to be convened at the opening of the sixty-fifth session. Such high-level meetings have indeed become regular means through which the Assembly addresses many of the most pertinent issues on its agenda.

7. Another area that has contributed to the Assembly's increased activity is that of major thematic debates that the membership has asked the President of the General Assembly to convene and organize in order to establish broad international understanding on current substantive issues of importance to Member States. These debates have provided the membership with a unique opportunity to further dialogue and cooperation and to engage in dynamic and vibrant exchanges of views among Member States, civil society, the private sector and other stakeholders in order to address current challenges of critical importance and universal relevance to the international community. During my Presidency, I have convened several such debates, including on disarmament, water, transnational organized crime and human security, and I intend to convene debates on peacekeeping and the situation in the Middle East.

8. In the context of coordinating the work among the principal organs, I would like to make reference to the monthly meetings that take place between the President of the General Assembly and the rotating Presidency of the Security Council, and about which I have kept the membership informed on a regular basis. The periodic briefings by the Secretary-General on his activities, in the context of informal meetings of the plenary, have also become a practice that is well received by Member States and should be mentioned as another indicator of the increasing vitality and importance of the role and status of the Assembly. I have also worked very closely with the Secretary-General on a range of issues, and am pleased that my Office has developed excellent cooperation with the Office of the Secretary-General.

III. President of the General Assembly

9. This evolution regarding the Assembly's continuously expanding and increasing workload has necessitated a change in the role played by the President of the General Assembly. While previously it may have been the practice for the President to spend only intermittent periods of time at United Nations Headquarters during the resumed part of the session, i.e. between January and September, it now has certainly become necessary for him or her to be in New York during most of the

presidency, in order to oversee, manage, lead and guide the ongoing work of the General Assembly. This is because the President's role has transformed from merely presiding over meetings to a deeper and more substantive engagement and contribution to the work of the Assembly. The President, for example, is expected by the membership to lead and facilitate the follow-up processes on substantive mandates, and to help move forward processes when needed. I am thinking, for instance, of the negotiations leading to the adoption of the scale of assessing dues of Member States to the Organization's budget in 2010-2012 and current efforts to bring to a conclusion the ongoing negotiations on system-wide coherence. This role, moreover, is often enshrined in the mandates adopted by the Assembly.

10. To further illustrate this point, following is a list of issues for which I have appointed facilitators during the sixty-fourth session: revitalization of the work of the General Assembly; system-wide coherence; the Millennium Development Goals Summit; Security Council reform; review of the Peacebuilding Commission; review of the Human Rights Council; coordination of efforts against trafficking in persons; the world financial and economic crisis; organization of a World Youth Conference; follow-up and implementation of the Mauritius Strategy regarding the sustainable development of small island States; and marine biological diversity.

11. At the same time, the President also has official, ceremonial and protocol functions to perform, including to represent the body to the outside world. Presidents of the General Assembly, for example, have been encouraged by the Assembly in the past to increase their public visibility. Currently, I receive an average of 60 official visits per month in my Office and am invited to attend, preside over, and participate in international conferences, summits, forums, regional and subregional meetings. To increase the public visibility of the Presidents of the General Assembly, as encouraged in resolution 60/286, and at the invitation of Member States, I have also visited many countries in different regions.

12. Managing and guiding the year-round work of the Assembly, including consultations with Member States, follow-up and preparatory processes, the holding of thematic debates, the convening of special meetings, and representing the Assembly to the outside world, both here in New York and abroad, are some of the many additional aspects of the tasks to be discharged by the President of the General Assembly today.

IV. Office of the President of the General Assembly

13. The Office of the President of the General Assembly supports the President in the discharge of his or her responsibilities. As the Assembly's workload has evolved, the role of the Office has also changed over time to become more substantive and expert in nature. As noted, a key responsibility of the President is now to facilitate intergovernmental negotiations on a wide range of issues related to the work of the Assembly. The Office provides substantive backstopping support to this work and to the facilitators appointed to support these processes. Such a role requires that a group of experts work closely with the President, to provide informed analysis and expert advice.

14. In addition to providing professional, expert advice, the Office of the President of the General Assembly undertakes the daily coordinating functions that are required in the performance of the President's tasks, including liaising with Member

States, Committee Chairs, and Co-Chairs of various processes, as well as with the Office of the Secretary-General, and the different departments and offices in the Secretariat, and the entire range of funds, programmes and agencies of the United Nations system. The Office also interacts with civil society, non-governmental organizations, and the media.

15. The day-to-day administrative work of the Office of the President of the General Assembly is supported by the Department for General Assembly and Conference Management in the Secretariat, which provides meeting planning, conference management and servicing, as well as translation and interpretation functions. The General Assembly and the Economic and Social Council Affairs Division, which is located within the Department for General Assembly and Conference Management, provides technical assistance and administrative advice on the orderly and effective conduct of the deliberations and follow-up actions of the General Assembly, among other issues. The General Assembly and the Economic and Social Council Affairs Division also supports the President and the Office by drafting the Assembly's agenda and processing draft resolutions, and by providing essential support during meetings, including advice on the application of the relevant rules of procedure.

16. Given the General Assembly's invitation to submit my views on strengthening the institutional memory of the Office of the President of the General Assembly, below are some key areas for consideration, followed by recommendations in this regard.

(a) Regular budget

17. In 1998 Member States adopted resolution 52/221, whereby a budget of 250,000 United States dollars for each year of the Organization's biennial budget was established to enhance further the ability of the President of the General Assembly to discharge his responsibilities. Since then, for almost 12 years, this budget has neither been reviewed nor increased, except for inflation adjustments. It is noteworthy to mention, however, that the budget of the Organization itself has tripled since 1998.

(b) Staffing of the Office of the President of the General Assembly

18. In my view, continuity and institutional knowledge, as well as diverse geographical representation, are important elements in staffing the Office of the President of the General Assembly. Historically, the staff turnover of the Office has been high, which makes it difficult to maintain the institutional memory and knowledge of the Office.

19. The figures of the staffing of the Office of the President are publicly available in relevant official documents. Four regular budget 100 series posts (2 D-2, 1 D-1 and 1 P-5 Adviser) and one General Service staff member are provided from within the Organization's budget on an annual basis to the Office. In my Cabinet, the staff in these posts all have a long history of experience with the United Nations, with two of these staff members, including the Chef de Cabinet, being long-term staff of the United Nations Secretariat. To ensure geographical balance, the staff in these posts represent an international team, with staff coming from Europe, North America, Asia and Africa. None of the staff in these posts hold the same nationality as myself.

20. Two General Service staff members of the Department for General Assembly and Conference Management are assigned to the Office. I would also like to inform you that the General Assembly and the Economic and Social Council Affairs Division currently has two posts (1 P-4 and 1 P-3) to support the work of the Office of the President of the General Assembly, both of whom retain their offices within the General Assembly and the Economic and Social Council Affairs Division.

21. Additional support comes from staff seconded by Member States. Recent Presidents have also appointed a number of senior advisers on specific issues, often directly linked to the announced priorities of the presidency.

(c) Safety and security

22. The President's security is ensured by a detail of two security officers on a routine basis, and only one during his or her travels in support of official functions. The travel expenses for the security personnel who support the official functions of the President are covered by the budget of the Office of the President of the General Assembly. It is important to mention, however, that given the Office's limited budget, the expenses for security personnel put a great and unsustainable burden on the resources of the Office.

(d) Protocol

23. Currently the Office of the President is not receiving protocol support, which can undermine the status and the dignity of the Office. The General Assembly requested the Secretary-General in resolution 59/313 to ensure that the President of the General Assembly is provided with proper protocol services at Headquarters and abroad. Pursuant to this request, the Secretary-General noted in a statement of programme budget implications that the "full-time provision of a dedicated protocol officer for the President of the General Assembly is not currently feasible, however, owing to insufficient capacity in the Protocol and Liaison Service. Accordingly, a new P-3 post dedicated to the provision of proper protocol services would be required" (A/C.5/59/35/Rev.1, para. 6). In considering that statement, the Fifth Committee noted that, should the General Assembly adopt draft resolution A/59/L.69/Rev.1, additional resources for up to \$116,300 would be required, and that those additional requirements would be considered by the General Assembly in the context of its review of the proposed programme budget for the period 2006-2007 (see A/59/912). This issue requires urgent attention and follow-up.

(e) Department of Public Information

24. Resolution 64/96 notes the efforts of the Department of Public Information to continue to publicize the work and the decisions of the General Assembly, and requests the Department to continue to enhance its working relationship with the Office of the President of the General Assembly. Resolution 60/286 encourages the Secretary-General to continue the practice of providing to the Office of the President of the General Assembly a Spokesperson for the President of the General Assembly and an assistant to the Spokesperson.

25. The Department of Public Information assists the Office in the selection process of a Spokesperson for the Office, with the final decision resting with the President. The selected Spokesperson is seconded by the Department of Public

Information. A webmaster, whose post is charged against the Secretariat budget, is also seconded to the Office.

(f) Trust Fund

26. With a view to further strengthening the Office's accountability and transparency, I requested the Secretary-General to establish a Trust Fund in support of the Office of the President of the General Assembly, as a vehicle through which Member States and others, in accordance with the financial rules and regulations of the Organization, may support and contribute to the efforts of both the presidency specifically and the Assembly more broadly, especially as regards the preparatory process of the thematic debates that the President has been encouraged by the Assembly to convene. I am pleased that the Fund has now been established, and it is my hope that Member States will avail themselves of the opportunity this Fund offers to enhance the visibility of both the Assembly and the Presidency.

(g) Office space

27. In resolution 59/313 the General Assembly decided to make available to the President of the General Assembly adequate office and conference space with a view to enabling the President to carry out his or her functions in a manner commensurate with the dignity and stature of the Office. As part of the ongoing capital master plan, the Office of the President of the General Assembly relocated to the North Lawn Building. It should be noted that, even with the space that has been provided, the current facilities are far from commensurate with the dignity and stature of the Office of the President and work is under way to address this concern. Another factor impacting the Office is the relocation of the General Assembly and the Economic and Social Council Affairs Division of the Department for General Assembly and Conference Management outside the campus, which causes challenges for the communication and work that the Office undertakes with this Division in particular.

V. Recommendations

28. Following from my views and observations, which, pursuant to paragraph 5 of resolution 63/309, I outlined above, I wish to offer a number of recommendations that, I hope, will provide an impetus for the further strengthening of the Office of the President of the General Assembly, including the important pillar of institutional memory.

- As regards financial and general support for the activities of the presidency, Member States are invited to consider reviewing the budget allocation to the Office of the President of the General Assembly, which, as noted, has not been revised since 1998;
- Given that the Office of the President of the General Assembly represents all Member States, I encourage the geographical balance of General Assembly members to be reflected in the composition of the President's Cabinet;
- As regards staffing, in filling the 100 series posts in the Office of the President of the General Assembly, I recommend that future Presidents of the General Assembly pay due consideration to the selection criteria applied by the United

Nations. The Secretariat should advise the President on the various categories of personnel used by the Office of the President of the General Assembly and the applicable United Nations rules and regulations;

- It may be considered that, in the interest of enhancing the institutional memory and reinforcing the continuity on which the President and his or her Office base their work, one or more staff members be retained from the preceding office in the incoming President's Cabinet;
 - Given that the interactions and meetings of the President of the General Assembly take place at the highest diplomatic and political levels, I urge resolution regarding the provision of mandated services by Protocol and Liaison Services to the Office of the President of the General Assembly;
 - I would urge that resolution be reached on the financing of security coverage for the President and office space, and I call on both Member States and relevant Departments of the Secretariat to lend their support to this effort. I also thank the Department of Safety and Security for absorbing the travel expenses for the security personnel who support the official functions of the President overseas since March 2010, and I strongly encourage the Department to develop a budget line to cover the cost of security support for the President, given the unsustainable burden these costs place on the Office of the President of the General Assembly;
 - To further ensure continuity between presidencies, the practice of preparing lessons learned accounts by the outgoing Presidency, including a status report, should be strongly encouraged;
 - Finally, I urge Member States to support the Office of the President of the General Assembly substantively through experts and by giving financial support to the Trust Fund established by the Secretary-General.
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**General Assembly
Security Council**

Distr.: General
27 August 2010
English
Original: Arabic

**General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East**

**Security Council
Sixty-fifth year**

**Identical letters dated 23 August 2010 from the Permanent
Representative of Lebanon to the United Nations addressed to the
Secretary-General and the President of the Security Council**

On instructions from my Government, I transmit herewith Lebanon's response (see annex) to the allegations contained in the Israeli letter dated 20 August 2010 (S/2010/440) regarding Lebanese vessels that have been attempting to deliver humanitarian assistance to the Gaza Strip.

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(Signed) Nawaf Salam
Ambassador
Permanent Representative



Annex to the letter dated 23 August 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 20 August 2010, the Permanent Representative of Israel to the United Nations transmitted an official letter to Your Excellency which contained a number of falsehoods and slanders.

In refuting the Israeli allegations, Lebanon would like to clarify its position on a number of matters, the most important of which are the following:

- Lebanon condemns the siege imposed by Israel on the Gaza Strip and calls on the international community to bring pressure to bear on Israel to lift that siege immediately and unconditionally, and to open crossing points in order to allow the free movement of persons, goods and humanitarian assistance;
- The Israeli siege of the Gaza Strip is a blatant violation of international laws and norms, particularly international humanitarian law, and clearly threatens international peace and security. Israel bears complete responsibility for the siege and the humanitarian disaster that it will bring about;
- Lebanese law does not permit maritime vessels or craft to sail directly to ports under the control of the Israeli authorities, including the port of Gaza;
- Lebanon abides by the laws regulating the movement of vessels from its ports. It therefore cannot prevent any maritime vessel from setting sail for any port as long as the vessel, the persons on board and its destination are in compliance with Lebanese law, and the vessel observes the provisions of Lebanese maritime law;
- The Lebanese authorities inspect all maritime vessels leaving Lebanese territorial waters in order to ensure that they are not carrying prohibited cargo and that no unauthorized persons are on board. The Lebanese authorities grant maritime vessels and craft permission to leave as long as the destination, cargo and persons on board are in compliance with Lebanese law;
- Lebanon emphasizes the substance of the statement issued by the President of the Security Council on 1 June 2010, in which the Council stressed that the situation in Gaza was not sustainable and underscored the need for sustained and regular flow of goods and persons to Gaza as well as the provision of humanitarian assistance throughout Gaza;
- Lebanon holds Israel responsible for any aggression against it and calls on the international community to bring pressure to bear on Israel to implement fully Security Council resolution 1701 (2006) and to halt its daily violations of Lebanese sovereignty and its continuing threats against Lebanon, its people and infrastructure;
- The Lebanese Government is most solicitous that the international community should succeed in lifting the siege imposed on Gaza, thereby underscoring the importance of implementing international law. Building on that success, the international community could then make a sincere effort to advance the process aimed at achieving a comprehensive and just peace. That process is of vital importance to achieving peace in our region and throughout the world.

(Signed) Ali Hussein Al-Chami
Minister for Foreign Affairs and Emigrants

**General Assembly
Security Council**Distr.: General
30 August 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 16, 49 and 67**Security Council**
Sixty-fifth year**Question of Palestine****Culture of peace****Elimination of racism, racial discrimination,
xenophobia and related intolerance****Letter dated 26 August 2010 from the Permanent
Representative of Tajikistan to the United Nations addressed
to the Secretary-General**

I have the honour, in my capacity as Chair of the Organization of the Islamic Conference (OIC) Group in New York, to draw your attention to the continued desecration and destruction by Israel of the historic Muslim Ma'man Allah (Mamilla) Cemetery in Jerusalem and to the attempt by the Israeli authorities to clear these hallowed grounds for the construction of a so-called "Centre for Human Dignity and Museum of Tolerance" as well as the construction of a "judicial complex" on another part of the Cemetery. The building of such institutions of "tolerance" and "justice" via the disinterment of human remains and the destruction of hundreds and hundreds of graves should be offensive to any individual with moral conscience and basic human sensitivity.

The Mamilla Cemetery is an ancient Muslim burial ground and holy site dating back at least to the twelfth century, where thousands of Palestinian families, religious figures and officials, scholars and martyrs have been laid to rest. For decades, this Cemetery has been recognized as a historic site, central to the Islamic religious sites and heritage in the City of Jerusalem, declared a historic site by the Muslim Supreme Council in 1927 and an antiquities site by the British Mandate authorities in 1944. For hundreds of years the Waqf (Islamic Endowment) of Jerusalem had cared for the Cemetery, but has been prevented by Israel from accessing the Cemetery grounds since 1967, causing it to fall into disrepair. Even families of the deceased who have attempted over the years to repair and clean gravesites have faced obstructions, with repairs destroyed or removed by the Israeli authorities, ensuring that the Cemetery remains in constant disrepair.

Regrettably, in grave disrespect of the universal norms regarding burial sites, which are to be protected and preserved, in grave disrespect of the sensitivities and

rights of the descendants of those buried in the Mamilla Cemetery, and in a display of disregard of Islamic religious and Palestinian cultural sensitivities, the Israeli authorities have carried out yet another wave of destruction in the Cemetery. Following the desecration and bulldozing of 1,500 graves in 2009, this month at least 150 recently restored tombs and grave markers as well as several older tombs in the Cemetery have been destroyed, disinterring more human remains. This condemnable act of destruction was carried out despite the fact that the Israeli court-appointed custodian of the Cemetery, Hajj Mustafa Abu Zahra, was permitted during the past few months to undertake minor maintenance and renovations in the Cemetery. Moreover, excessive force was used against those protesting this latest desecration of the Cemetery, including against Hajj Abu Zahra, who, with other Jerusalemites, tried to block the bulldozers.

The Organization of the Islamic Conference has thus been compelled to draw your attention to Israel's disrespect of this historic Islamic burial ground as well of other religious and cultural heritage sites in the City of Jerusalem. In this regard, it must be pointed out that several impartial reports have addressed the vulnerability of religious and historic sites in the Occupied Palestinian Territory and in Israel. This includes the 2009 International Religious Freedom Report of the United States State Department, which noted that the Government of Israel "implements regulations only for Jewish sites. Non-Jewish holy sites do not enjoy legal protection ...", and that "while well-known sites have de facto protection as a result of their international importance, many Muslim and Christian sites are neglected, inaccessible or threatened by property developers and municipalities".

Such actions, including the desecration of the Mamilla Cemetery, must be firmly condemned. Urgent efforts must be undertaken to preserve and protect the Mamilla Cemetery, a site of importance to the Palestinian, Arab and Muslim heritage. In this regard, Israel, the occupying Power, must be called upon by the international community to cease all such illegal, deplorable and provocative actions, which constitute yet further attempts by Israel to erase the Palestinian Arab identity, history and presence in the land and, particularly, in the Holy City of Jerusalem and which risk further inflaming religious sensitivities and destabilizing the very fragile situation on the ground.

I should be grateful if you would arrange to have the present letter distributed as a document of the General Assembly, under agenda items 16, 49 and 67, and of the Security Council.

(Signed) Sirodjidin **Aslov**
Ambassador
Permanent Representative

**General Assembly**

Distr.: General
30 August 2010

Original: English

Sixty-fourth session
Agenda item 16
Question of Palestine

**Letter dated 23 August 2010 from the Chair of the Committee on
the Exercise of the Inalienable Rights of the Palestinian People
addressed to the President of the General Assembly**

I have the honour to inform you that, by a note verbale dated 15 June 2010 addressed to the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (see annex), the Permanent Mission of the Bolivarian Republic of Venezuela expressed interest in that country's becoming a member of the Committee, to which it had already been granted observer status.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, at its 325th meeting, held on 20 August 2010, welcomed this decision by the Bolivarian Republic of Venezuela and approved its request. In the view of the Committee, this reflects the growing international support for its efforts to achieve a comprehensive, just and lasting settlement of the question of Palestine.

In view of the above, and since the membership of the Committee has been established by the General Assembly, I have the honour to request that you bring the matter to the attention of the Assembly for its approval.

(Signed) Paul **Badji**
Chair

Committee on the Exercise of the Inalienable Rights
of the Palestinian People

Annex to the letter dated 23 August 2010 from the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President of the General Assembly

Note verbale dated 15 June 2010 from the Permanent Mission of the Bolivarian Republic of Venezuela addressed to the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

I have the honour to address His Excellency on the occasion of referring to the status of the Bolivarian Republic of Venezuela in the Committee on the Exercise of the Inalienable Rights of the Palestinian People, over which you honourably preside.

Historically, Venezuela has opposed the continued occupation of the Palestinian Territories by the State of Israel and has advocated in favour of a comprehensive, just and lasting peace in the Middle East. We remain convinced of the need to raise public international awareness on the plight of the Palestinian people and are committed to helping on this critical endeavour.

In view of this commitment and the particular interest of the Government of the Bolivarian Republic of Venezuela on the Palestinian issue, I am writing to His Excellency to communicate our interest in becoming a full member of the Committee and express in advance my gratitude to His Excellency for putting this request through the established practice and procedures.